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15 IN THE UNITED STATES DISTRICT COURT  
16 FOR THE EASTERN DISTRICT OF WASHINGTON  
17

18 SHANNON McMINIMEE,  
19

20 NO. 1:18-cv-03073 TOR  
21

22 Plaintiff,

23 **DEFENDANTS' ANSWER TO  
24 SECOND AMENDED  
COMPLAINT AND DEMAND  
FOR JURY**

v.  
YAKIMA SCHOOL DISTRICT  
NO. 7, and JOHN R. IRION, in his  
individual capacity,

Defendants.

COME NOW the Defendants, Yakima School District and John R. Irion, by  
and through their attorneys of record and demand that his case be tried by a jury  
and enter this answer to Plaintiff's Second Amended Complaint as follows:

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1                   **I. PARTIES AND JURISDICTION**

2         1. In answer to the allegations in paragraph 1 of the Second Amended  
3         Complaint, the Defendants **ADMIT** the same.

4         2. In answer to the allegations in paragraph 2 of the Second Amended  
5         Complaint, the Defendants **ADMIT** the same.

6         3. In answer to the allegations in paragraph 3 of the Second Amended  
7         Complaint, the Defendants **ADMIT** the same.

8         4. In answer to the allegations in paragraph 4 of the Second Amended  
9         Complaint, the Defendants **ADMIT** the same.

10         5. In answer to the allegations in paragraph 5 of the Second Amended  
11         Complaint, the Defendants **ADMIT** the same.

12         6. In answer to the allegations in paragraph 6 of the Second Amended  
13         Complaint, the Defendants **ADMIT** the same.

14         7. In answer to the allegations in paragraph 7 of the Second Amended  
15         Complaint, the Defendants **ADMIT** the same.

16                   **II. INTRADISTRICT ASSIGNMENT**

17         8. In answer to the allegations in paragraph 8 of the Second Amended  
18         Complaint, the Defendants **ADMIT** the same.

19                   **III. FACTS**

1           9. In answer to the allegations in paragraph 9 of the Second Amended  
2 Complaint, the Defendants reassert their previous averments.

3           10. In answer to the allegations in paragraph 10 of the Second Amended  
4 Complaint, the Defendants **ADMIT** the same.

5           11. In answer to the allegations in paragraph 11 of the Second Amended  
6 Complaint, the Defendants **DENY** the same.

7           12. In answer to the allegations in paragraph 12 of the Second Amended  
8 Complaint, the Defendants **DENY** the same.

9           13. In answer to the allegations in paragraph 13 of the Second Amended  
10 Complaint, the Defendants **DENY** the same.

11           14. In answer to the allegations in paragraph 14 of the Second Amended  
12 Complaint, the Defendants **DENY** the same.

13           15. In answer to the allegations in paragraph 15 of the Second Amended  
14 Complaint, the Defendants **DENY** the same.

15           16. In answer to the allegations in paragraph 16 of the Second Amended  
16 Complaint, the Defendants **DENY** the same.

17           17. In answer to the allegations in paragraph 17 of the Second Amended  
18 Complaint, the Defendants **DENY** the same.

19           18. In answer to the allegations in paragraph 18 of the Second Amended  
20 Complaint, the Defendants **DENY** the same.

1       19. In answer to the allegations in paragraph 19 of the Second Amended  
2 Complaint, the Defendants **DENY** the same.

3       20. In answer to the allegations in paragraph 20 of the Second Amended  
4 Complaint, the Defendants **DENY** the same.

5       21. In answer to the allegations in paragraph 21 of the Second Amended  
6 Complaint, the Defendants **DENY** the same.

7       22. In answer to the allegations in paragraph 22 of the Second Amended  
8 Complaint, the Defendants **DENY** the same.

9       23. In answer to the allegations in paragraph 23 of the Second Amended  
10 Complaint, the Defendants **DENY** the same.

11       24. In answer to the allegations in paragraph 24 of the Second Amended  
12 Complaint, the Defendants **DENY** the same.

13       25. In answer to the allegations in paragraph 25 of the Second Amended  
14 Complaint, the Defendants **DENY** the same.

15       26. In answer to the allegations in paragraph 26 of the Second Amended  
16 Complaint, the Defendants **DENY** the same.

17       27. In answer to the allegations in paragraph 27 of the Second Amended  
18 Complaint, the Defendants **DENY** the same.

19       28. In answer to the allegations in paragraph 28 of the Second Amended  
20 Complaint, the Defendants **DENY** the same.

1        29. In answer to the allegations in paragraph 29 of the Second Amended  
2 Complaint, the Defendants **DENY** the same.

3        30. In answer to the allegations in paragraph 30 of the Second Amended  
4 Complaint, the Defendants **DENY** the same.

5        31. In answer to the allegations in paragraph 31 of the Second Amended  
6 Complaint, the Defendants **DENY** the same.

7        32. In answer to the allegations in paragraph 32 of the Second Amended  
8 Complaint, the Defendants **DENY** the same.

9        33. In answer to the allegations in paragraph 33 of the Second Amended  
10 Complaint, the Defendants **ADMIT** the same.

11        34. In answer to the allegations in paragraph 34 of the Second Amended  
12 Complaint, the Defendants **DENY** the same.

13        35. In answer to the allegations in paragraph 35 of the Second Amended  
14 Complaint, the Defendants **DENY** the same.

15        36. In answer to the allegations in paragraph 36 of the Second Amended  
16 Complaint, the Defendants **DENY** the same.

17        37. In answer to the allegations in paragraph 37 of the Second Amended  
18 Complaint, the Defendants **DENY** the same.

19        38. In answer to the allegations in paragraph 38 of the Second Amended  
20 Complaint, the Defendants **DENY** the same.

1       39. In answer to the allegations in paragraph 39 of the Second Amended  
2 Complaint, the Defendants **DENY** the same.

3       40. In answer to the allegations in paragraph 40 of the Second Amended  
4 Complaint, the Defendants **DENY** the same.

5       41. In answer to the allegations in paragraph 41 of the Second Amended  
6 Complaint, the Defendants **DENY** the same.

7       42. In answer to the allegations in paragraph 42 of the Second Amended  
8 Complaint, the Defendants **DENY** the same.

9       43. In answer to the allegations in paragraph 43 of the Second Amended  
10 Complaint, the Defendants **DENY** the same.

11       44. In answer to the allegations in paragraph 44 of the Second Amended  
12 Complaint, the Defendants **DENY** the same.

13       45. In answer to the allegations in paragraph 45 of the Second Amended  
14 Complaint, the Defendants **ADMIT** that Plaintiff was placed on paid  
15 administrative leave but **DENY** the remaining allegations in this paragraph.

16       46. In answer to the allegations in paragraph 46 of the Second Amended  
17 Complaint, the Defendants **DENY** the same.

18       47. In answer to the allegations in paragraph 47 of the Second Amended  
19 Complaint, the Defendants **DENY** the same.

1       48. In answer to the allegations in paragraph 48 of the Second Amended  
2 Complaint, the Defendants **DENY** the same.

3       49. In answer to the allegations in paragraph 49 of the Second Amended  
4 Complaint, the Defendants **DENY** the same.

5       50. In answer to the allegations in paragraph 50 of the Second Amended  
6 Complaint, the Defendants **DENY** the same.

7       51. In answer to the allegations in paragraph 51 of the Second Amended  
8 Complaint, the Defendants **DENY** the same.

9       52. In answer to the allegations in paragraph 52 of the Second Amended  
10 Complaint, the Defendants **DENY** the same.

11       53. In answer to the allegations in paragraph 53 of the Second Amended  
12 Complaint, the Defendants **DENY** the same.

13       54. In answer to the allegations in paragraph 54 of the Second Amended  
14 Complaint, the Defendants **DENY** the same.

15       55. In answer to the allegations in paragraph 55 of the Second Amended  
16 Complaint, the Defendants **DENY** the same.

17       56. In answer to the allegations in paragraph 56 of the Second Amended  
18 Complaint, the Defendants **DENY** the same.

19       57. In answer to the allegations in paragraph 57 of the Second Amended  
20 Complaint, the Defendants **ADMIT** the same.

1       58. In answer to the allegations in paragraph 58 of the Second Amended  
2 Complaint, the Defendants **DENY** the same.

3       59. In answer to the allegations in paragraph 59 of the Second Amended  
4 Complaint, Plaintiff simply asserts her view of the law, which is incomplete and  
5 does not require a response. To the extent that it may require a response the  
6 Defendants **DENY** the same.

7       60. In answer to the allegations in paragraph 60 of the Second Amended  
8 Complaint, the Defendants **DENY** the same.

9       61. In answer to the allegations in paragraph 61 of the Second Amended  
10 Complaint, the Defendants **ADMIT** that an email was sent which is self-evident  
11 and **DENY** the remaining allegations of this paragraph.

12       62. In answer to the allegations in paragraph 62 of the Second Amended  
13 Complaint, the Defendants **ADMIT** the same.

14       63. In answer to the allegations in paragraph 63 of the Second Amended  
15 Complaint, Plaintiff simply asserts her view of the law, which is incomplete and  
16 does not require a response. To the extent that it may require a response the  
17 Defendants **DENY** the same.

18       64. In answer to the allegations in paragraph 64 of the Second Amended  
19 Complaint, the Defendants **DENY** the same.

1       65. In answer to the allegations in paragraph 65 of the Second Amended  
2 Complaint, the Defendants **DENY** the same.

3       66. In answer to the allegations in paragraph 66 of the Second Amended  
4 Complaint, the Defendants **DENY** the same.

5       67. In answer to the allegations in paragraph 67 of the Second Amended  
6 Complaint, Plaintiff simply asserts her view of the law, which is incomplete and  
7 does not require a response. To the extent that it may require a response the  
8 Defendants **DENY** the same.

9       68. In answer to the allegations in paragraph 68 of the Second Amended  
10 Complaint, Plaintiff simply asserts her view of the law, which is incomplete and  
11 does not require a response. To the extent that it may require a response the  
12 Defendants **DENY** the same.

13       69. In answer to the allegations in paragraph 69 of the Second Amended  
14 Complaint, the Defendants **DENY** the same.

15       70. In answer to the allegations in paragraph 70 of the Second Amended  
16 Complaint, the Defendants **DENY** the same.

17       71. In answer to the allegations in paragraph 71 of the Second Amended  
18 Complaint, the Defendants **DENY** the same.

19       72. In answer to the allegations in paragraph 72 of the Second Amended  
20 Complaint, the Defendants **DENY** the same.

1       73. In answer to the allegations in paragraph 73 of the Second Amended  
2 Complaint, the Defendants **DENY** the same.

3       74. In answer to the allegations in paragraph 74 of the Second Amended  
4 Complaint, the Defendants **DENY** the same including the footnote.

5       75. In answer to the allegations in paragraph 75 of the Second Amended  
6 Complaint, the Defendants **DENY** the same.

7       76. In answer to the allegations in paragraph 76 of the Second Amended  
8 Complaint, the Defendants **DENY** the same.

9       77. In answer to the allegations in paragraph 77 of the Second Amended  
10 Complaint, the Defendants **ADMIT** the same.

11       78. In answer to the allegations in paragraph 78 of the Second Amended  
12 Complaint, the Defendants **DENY** the same.

13       79. In answer to the allegations in paragraph 79 of the Second Amended  
14 Complaint, the Defendants **ADMIT** the same.

15       80. In answer to the allegations in paragraph 80 of the Second Amended  
16 Complaint, Plaintiff simply asserts her view of the law, which is incomplete and  
17 does not require a response. To the extent that it may require a response the  
18 Defendants **DENY** the same.

19       81. In answer to the allegations in paragraph 81 of the Second Amended  
20 Complaint, Plaintiff simply asserts her view of the law, which is incomplete and  
21

1 does not require a response. To the extent that it may require a response the  
2 Defendants **DENY** the same.

3       82. In answer to the allegations in paragraph 82 of the Second Amended  
4 Complaint, the Defendants **DENY** the same.

5       83. In answer to the allegations in paragraph 83 of the Second Amended  
6 Complaint, the Defendants **DENY** the same.

7       84. In answer to the allegations in paragraph 84 of the Second Amended  
8 Complaint, the Defendants **DENY** the same.

9       85. In answer to the allegations in paragraph 85 of the Second Amended  
10 Complaint, the Defendants **DENY** the same.

11       86. In answer to the allegations in paragraph 86 of the Second Amended  
12 Complaint, the Defendants **DENY** the same.

13       87. In answer to the allegations in paragraph 87 of the Second Amended  
14 Complaint, the Defendants **DENY** the same.

15       88. In answer to the allegations in paragraph 88 of the Second Amended  
16 Complaint, the Defendants **DENY** the same.

17       89. In answer to the allegations in paragraph 89 of the Second Amended  
18 Complaint, the Defendants **DENY** the same.

19       90. In answer to the allegations in paragraph 90 of the Second Amended  
20 Complaint, the Defendants **DENY** the same.

1       91. In answer to the allegations in paragraph 91 of the Second Amended  
2 Complaint, the Defendants **DENY** the same.

3       92. In answer to the allegations in paragraph 92 of the Second Amended  
4 Complaint, the Defendants **DENY** the same.

5       93. In answer to the allegations in paragraph 93 of the Second Amended  
6 Complaint, the Defendants **DENY** the same.

7       94. In answer to the allegations in paragraph 94 of the Second Amended  
8 Complaint, the Defendants **DENY** the same.

9       95. In answer to the allegations in paragraph 95 of the Second Amended  
10 Complaint, the Defendants **DENY** the same.

11       96. In answer to the allegations in paragraph 96 of the Second Amended  
12 Complaint, the Defendants **DENY** the same.

13       97. In answer to the allegations in paragraph 97 of the Second Amended  
14 Complaint, the Defendants **DENY** the same.

15       98. In answer to the allegations in paragraph 98 of the Second Amended  
16 Complaint, Plaintiff simply asserts her view of the law, which is incomplete and  
17 does not require a response. To the extent that it may require a response the  
18 Defendants **DENY** the same.

19       99. In answer to the allegations in paragraph 99 of the Second Amended  
20 Complaint, the Defendants **ADMIT** the same.

1       100. In answer to the allegations in paragraph 100 of the Second Amended  
2 Complaint, the Defendants **ADMIT** the same.

3       101. In answer to the allegations in paragraph 101 of the Second Amended  
4 Complaint, the Defendants **DENY** the same.

5       102. In answer to the allegations in paragraph 102 of the Second Amended  
6 Complaint, the Defendants **DENY** the same.

7       103. In answer to the allegations in paragraph 103 of the Second Amended  
8 Complaint, the Defendants **DENY** the same.

9  
10                  **IV. CAUSES OF ACTION**

11                  **(CAUSE OF ACTION NO. 1 & 2 – VIOLATION OF 29 U.S.C. §  
12                   2615(A)(1)-(2) – FAMILY MEDICAL LEAVE ACT –  
13                   INTERFERENCE & DISCRIMINATION)**

14       104. In answer to the allegations in paragraph 104 of the Second Amended  
15 Complaint, the Defendants reassert their previous averments.

16       105. In answer to the allegations in paragraph 105 of the Second Amended  
17 Complaint, Plaintiff simply asserts her view of the law, which is incomplete and  
18 does not require a response. To the extent that it may require a response the  
19 Defendants **DENY** the same.

20       106. In answer to the allegations in paragraph 106 of the Second Amended  
21 Complaint, the Defendants **ADMIT** the same.

107. In answer to the allegations in paragraph 107 of the Second Amended Complaint, the Defendants **ADMIT** the same.

108. In answer to the allegations in paragraph 108 of the Second Amended Complaint, the Defendants **DENY** the same.

109. In answer to the allegations in paragraph 109 of the Second Amended Complaint, the Defendants **DENY** the same.

110. In answer to the allegations in paragraph 110 of the Second Amended Complaint, the Defendants **DENY** the same.

111. In answer to the allegations in paragraph 111 of the Second Amended Complaint, the Defendants **DENY** the same.

112. In answer to the allegations in paragraph 112 of the Second Amended Complaint, the Defendants **DENY** the same.

113. In answer to the allegations in paragraph 113 of the Second Amended  
Complaint, the Defendants **DENY** the same.

114. In answer to the allegations in paragraph 114 of the Second Amended  
Complaint, the Defendants DENY the same.

115. In answer to the allegations in paragraph 115 of the Second Amended  
Complaint, the Defendants **DENY** the same.

116. In answer to the allegations in paragraph 116 of the Second Amended Complaint, Plaintiff simply asserts her view of the law, which is incomplete and

does not require a response. To the extent that it may require a response the Defendants **DENY** the same.

117. In answer to the allegations in paragraph 117 of the Second Amended Complaint, the Defendants **DENY** the same.

118. In answer to the allegations in paragraph 118 of the Second Amended  
Complaint, the Defendants **DENY** the same.

119. In answer to the allegations in paragraph 119 of the Second Amended  
Complaint, the Defendants **DENY** the same.

**(CAUSE OF ACTION NO. 3 – VIOLATION OF WASHINGTON’S WAGE REBATE ACT – RCW 49.52.050)**

120. In answer to the allegations in paragraph 120 of the Second Amended  
Complaint, Plaintiff simply asserts her view of the law, which is incomplete and  
does not require a response. To the extent that it may require a response the  
Defendants **DENY** the same.

121. In answer to the allegations in paragraph 121 of the Second Amended Complaint, the Defendants **ADMIT** the same.

122. In answer to the allegations in paragraph 122 of the Second Amended Complaint, the Defendants **DENY** the same.

123. In answer to the allegations in paragraph 123 of the Second Amended Complaint, the Defendants **DENY** the same.

1       124. In answer to the allegations in paragraph 124 of the Second Amended  
2 Complaint, the Defendants **DENY** the same.

3       125. In answer to the allegations in paragraph 125 of the Second Amended  
4 Complaint, the Defendants **DENY** the same.

5       126. In answer to the allegations in paragraph 126 of the Second Amended  
6 Complaint, the Defendants **DENY** the same.

7       127. In answer to the allegations in paragraph 127 of the Second Amended  
8 Complaint, the Defendants **ADMIT** the same.

9       128. In answer to the allegations in paragraph 128 of the Second Amended  
10 Complaint, the Defendants **DENY** the same.

11       129. In answer to the allegations in paragraph 129 of the Second Amended  
12 Complaint, the Defendants **ADMIT** the same.

13       130. In answer to the allegations in paragraph 130 of the Second Amended  
14 Complaint, the Defendants **ADMIT** the same.

15       131. In answer to the allegations in paragraph 131 of the Second Amended  
16 Complaint, the Defendants **ADMIT** the same.

17       132. In answer to the allegations in paragraph 132 of the Second Amended  
18 Complaint, the Defendants **DENY** the same.

19       133. In answer to the allegations in paragraph 133 of the Second Amended  
20 Complaint, the Defendants **DENY** the same.

134. In answer to the allegations in paragraph 134 of the Second Amended Complaint, the Defendants **ADMIT** the same.

135. In answer to the allegations in paragraph 135 of the Second Amended Complaint, the Defendants **DENY** the same.

136. In answer to the allegations in paragraph 136 of the Second Amended Complaint, the Defendants **DENY** the same.

137. In answer to the allegations in paragraph 137 of the Second Amended Complaint, the Defendants **DENY** the same.

**(CAUSE OF ACTION NO. 4 – EQUAL PAY ACT – RETALIATION)**

138. Plaintiff simply asserts her view of the law, which is incomplete and does not require a response. To the extent that it may require a response the Defendants **DENY** the same.

139. In answer to the allegations in paragraph 139 of the Second Amended Complaint, the Defendants **DENY** the same.

140. In answer to the allegations in paragraph 140 of the Second Amended Complaint the Defendants **DENY** the same.

141. In answer to the allegations in paragraph 141 of the Second Amended  
Complaint, the Defendants **DENY** the same.

142. In answer to the allegations in paragraph 142 of the Second Amended Complaint, the Defendants DENY the same.

**(CAUSE OF ACTION NO. 5 – VIOLATION OF EQUAL PAY ACT)**

143. Plaintiff simply asserts her view of the law, which is incomplete and does not require a response. To the extent that it may require a response the Defendants **DENY** the same.

144. In answer to the allegations in paragraph 144 of the Second Amended Complaint, the Defendants **DENY** the same.

145. In answer to the allegations in paragraph 145 of the Second Amended Complaint, the Defendants **DENY** the same.

146. In answer to the allegations in paragraph 146 of the Second Amended Complaint, the Defendants **DENY** the same.

147. In answer to the allegations in paragraph 147 of the Second Amended Complaint, the Defendants **DENY** the same.

148. In answer to the allegations in paragraph 148 of the Second Amended  
Complaint, the Defendants DENY the same.

149. In answer to the allegations in paragraph 149 of the Second Amended Complaint, the Defendants DENY the same.

150. In answer to the allegations in paragraph 150 of the Second Amended Complaint, the Defendants **DENY** the same.

151. In answer to the allegations in paragraph 151 of the Second Amended  
Complaint, Plaintiff DENYs:

**(CAUSE OF ACTION NO. 6 – VIOLATION OF RCW 49.60.210 -  
RETALIATION)**

152. Plaintiff simply asserts her view of the law, which is incomplete and does not require a response. To the extent that it may require a response the Defendants **DENY** the same.

153. In answer to the allegations in paragraph 153 of the Second Amended Complaint, the Defendants **DENY** the same.

154. In answer to the allegations in paragraph 154 of the Second Amended Complaint, the Defendants **DENY** the same.

155. In answer to the allegations in paragraph 155 of the Second Amended Complaint, the Defendants **DENY** the same.

**(CAUSE OF ACTION NO. 7 – VIOLATION OF 42 U.S.C. § 1983 – 1<sup>ST</sup> AMENDMENT RETALIATION)**

156. Plaintiff simply asserts her view of the law, which is incomplete and does not require a response. To the extent that it may require a response the Defendants **DENY** the same.

157. Plaintiff simply asserts her view of the law, which is incomplete and does not require a response. To the extent that it may require a response the Defendants **DENY** the same.

158. Plaintiff simply asserts her view of the law, which is incomplete and does not require a response. To the extent that it may require a response the Defendants **DENY** the same.

159. Plaintiff simply asserts her view of the law, which is incomplete and does not require a response. To the extent that it may require a response the Defendants **DENY** the same.

160. In answer to the allegations in paragraph 160 of the Second Amended Complaint, the Defendants **DENY** the same.

161. In answer to the allegations in paragraph 161 of the Second Amended Complaint, the Defendants **DENY** the same.

162. In answer to the allegations in paragraph 162 of the Second Amended Complaint, the Defendants **DENY** the same.

**(CAUSE OF ACTION NO. 8 – VIOLATION OF 42 U.S.C. § 1983 – 14<sup>TH</sup> AMENDMENT - DUE PROCESS)**

163. Plaintiff simply asserts her view of the law, which is incomplete and does not require a response. To the extent that it may require a response the Defendants **DENY** the same.

164. In answer to the allegations in paragraph 164 of the Second Amended Complaint, the Defendants **DENY** the same.

1       165. Plaintiff simply asserts her view of the law, which is incomplete and  
2 does not require a response. To the extent that it may require a response the  
3 Defendants **DENY** the same.

4       166. In answer to the allegations in paragraph 166 of the Second Amended  
5 Complaint, the Defendants **ADMIT** the same.

6       167. In answer to the allegations in paragraph 167 of the Second Amended  
7 Complaint, the Defendants **DENY** the same.

8       168. In answer to the allegations in paragraph 168 of the Second Amended  
9 Complaint, the Defendants **ADMIT** the same.

10       169. In answer to the allegations in paragraph 169 of the Second Amended  
11 Complaint, the Defendants **ADMIT** the same.

12       170. In answer to the allegations in paragraph 170 of the Second Amended  
13 Complaint, the Defendants **ADMIT** the same.

14       171. In answer to the allegations in paragraph 171 of the Second Amended  
15 Complaint, the Defendants **DENY** the same.

16       172. In answer to the allegations in paragraph 172 of the Second Amended  
17 Complaint, the Defendants **DENY** the same.

18       173. In answer to the allegations in paragraph 173 of the Second Amended  
19 Complaint, the Defendants **ADMIT** the same.

174. In answer to the allegations in paragraph 174 of the Second Amended Complaint, the Defendants **DENY** the same.

175. In answer to the allegations in paragraph 175 of the Second Amended Complaint, the Defendants **DENY** the same.

**(CAUSE OF ACTION NO. 9 – WRONGFUL DISCHARGE IN VIOLATION OF PUBLIC POLICY)**

176. Plaintiff simply asserts her view of the law, which is incomplete and does not require a response. To the extent that it may require a response the Defendants **DENY** the same.

177. Plaintiff simply asserts her view of the law, which is incomplete and does not require a response. To the extent that it may require a response the Defendants **DENY** the same.

178. Plaintiff simply asserts her view of the law, which is incomplete and does not require a response. To the extent that it may require a response the Defendants **DENY** the same.

179. In answer to the allegations in paragraph 179 of the Second Amended  
Complaint, the Defendants **DENY** the same.

180. In answer to the allegations in paragraph 180 of the Second Amended Complaint, the Defendants **DENY** the same.

181. In answer to the allegations in paragraph 181 of the Second Amended Complaint, the Defendants **DENY** the same.

**(CAUSE OF ACTION NO. 10 – VIOLATION OF WASHINGTON’S  
PUBLIC RECORDS ACT)**

182. In answer to the allegations in paragraph 182 of the Second Amended Complaint, Plaintiff simply asserts her view of the law which is incomplete and does not require a response. To the extent a response is required Defendants **DENY** the same.

183. In answer to the allegations in paragraph 183 of the Second Amended Complaint, the Defendants **DENY** the same.

184. Plaintiff simply asserts her view of the law, which is incomplete and does not require a response. To the extent that it may require a response the Defendants **DENY** the same.

185. In answer to the allegations in paragraph 185 of the Second Amended Complaint, the Defendants **DENY** the same.

186. In answer to the allegations in paragraph 186 of the Second Amended Complaint, the Defendants **DENY** the same.

187. In answer to the allegations in paragraph 187 of the Second Amended Complaint, the Defendants **DENY** the same.

188. In answer to the allegations in paragraph 188 of the Second Amended Complaint, the Defendants **DENY** the same.

189. In answer to the allegations in paragraph 189 of the Second Amended  
Complaint, the Defendants **DENY** the same.

**(CAUSE OF ACTION NO. 11 – DEFAMATION)**

190. In answer to the allegations in paragraph 190 of the Second Amended  
Complaint, the Defendants **DENY** the same.

191. In answer to the allegations in paragraph 191 of the Second Amended Complaint, the Defendants **DENY** the same.

192. In answer to the allegations in paragraph 192 of the Second Amended Complaint, the Defendants **DENY** the same.

**(CAUSE OF ACTION NO. 12 – INTENTIONAL INFILCTION OF  
EMOTIONAL DISTRESS)**

193. In answer to the allegations in paragraph 193 of the Second Amended Complaint, the Defendants **DENY** the same.

194. In answer to the allegations in paragraph 194 of the Second Amended Complaint, the Defendants DENY the same.

195. In answer to the allegations in paragraph 195 of the Second Amended Complaint, the Defendants **DENY** the same.

**(CAUSE OF ACTION NO. 13 – BREACH OF CONTRACT)**

196. In answer to the allegations in paragraph 196 of the Second Amended Complaint, the Defendants **DENY** the same.

197. In answer to the allegations in paragraph 197 of the Second Amended Complaint, the Defendants DENY the same.

1       198. In answer to the allegations in paragraph 198 of the Second Amended  
2 Complaint, the Defendants **DENY** the same.

3       199. In answer to the allegations in paragraph 199 of the Second Amended  
4 Complaint, the Defendants **ADMIT** the same.

5       200. In answer to the allegations in paragraph 200 of the Second Amended  
6 Complaint, the Defendants **ADMIT** the same.

7       201. In answer to the allegations in paragraph 201 of the Second Amended  
8 Complaint, the Defendants **ADMIT** the same.

9       202. In answer to the allegations in paragraph 202 of the Second Amended  
10 Complaint, the Defendants **DENY** the same.

11       203. In answer to the allegations in paragraph 203 of the Second Amended  
12 Complaint, the Defendants **ADMIT** the same.

13       204. In answer to the allegations in paragraph 204 of the Second Amended  
14 Complaint, the Defendants **DENY** the same.

15       205. In answer to the allegations in paragraph 205 of the Second Amended  
16 Complaint, the Defendants **DENY** the same.

17       206. In answer to the allegations in paragraph 206 of the Second Amended  
18 Complaint, the Defendants **DENY** the same.

19       207. In answer to the allegations in paragraph 207 of the Second Amended  
20 Complaint, the Defendants **DENY** the same.

## V. PRAYER FOR RELIEF

No response is required to Plaintiff's prayer for judgment. To the extent that a response is required, Defendants **DENY** that Plaintiff is entitled to any relief pursuant to her complaint.

## AFFIRMATIVE DEFENSES

By way of further answer to Plaintiff's Second Amended Complaint and in the form of an affirmative defense, Defendants set forth the following:

1. *Failure to mitigate.* Plaintiff has failed to mitigate damages.
  2. *Failure to exhaust remedies.* Plaintiff has failed to exhaust the available administrative remedies.
  3. *Failure to state a claim.* The Complaint fails to state a claim upon which relief can be granted.
  4. *Frivolous.* The complaint is legally frivolous..
  5. *Qualified Privilege.* Defendants' actions are subject to a qualified privilege and because of the privilege Defendants are not liable to Plaintiff for her federal claims and her state law defamation claims.
  6. *After Acquired Information.* After the Plaintiff was hired it was discovered that she had misrepresented the truth on her application and in her interviews which, if known by the Defendant at the time, the Defendant would not have hire the Plaintiff and for which the Defendant would have terminated her

from employment.

7. *Jurisdiction.* The Court does not have jurisdiction over the claims alleging a violation of the Washington State Public Records Act.

WHEREFORE, Defendants having fully answered Plaintiff's Second Amended Complaint herein, pray that the same be dismissed with prejudice and held for naught, Defendants be awarded attorney fees, costs and disbursements herein, and for any further relief deemed just and equitable by the Court.

DATED this 12<sup>th</sup> day of September, 2018.

## JERRY MOBERG & ASSOCIATES, PS

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*s/ Jerry J. Moberg*  
JERRY J. MOBERG, WSBA No. 5282  
Attorney for Defendants

## CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

Matthew Z. Crotty  
Crotty & Son Law Firm, PLLC  
905 West Riverside, Suite 404  
Spokane, WA 99201  
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AND TO:

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Michael Love Law Firm, PLLC  
905 West Riverside, Suite 409  
Spokane, WA 99201  
[mike@michaellovellaw.com](mailto:mike@michaellovellaw.com)

DATED this 12<sup>th</sup> day of September, 2018 at Ephrata, WA.

JERRY MOBERG & ASSOCIATES, P.S.

s/ Jerry J. Moberg  
JERRY J. MOBERG, WSBA No. 5282  
Attorney for Defendants